



U.S. Immigration
and Customs
Enforcement

News Release

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Guantanamo Bay Linguist Pleads Guilty

BOSTON, MA -- A former Salem, Massachusetts, resident working as a linguist at Guantanamo Bay, Cuba pled guilty today in federal court to all charges brought against him in connection with having classified government information in his possession for which he did not have authorization.

United States Attorney Michael J. Sullivan; Kenneth W. Kaiser, Special Agent in Charge of the Federal Bureau of Investigation in New England; Robin M. Avers, Special Agent in Charge of Immigration and Customs Enforcement (ICE) in New England; and Steve Farquharson, Director of Field Operations for Customs and Border Protection, announced today that **AHMED FATHY MEHALBA**, age 32, pled guilty before U.S. District Judge Douglas P. Woodlock to a three-count indictment charging him with one count of gathering, transmitting or losing classified defense documents relating to the national defense and two counts of making false statements.

"Mr. Mehalba has pled guilty to all charges in the indictment and through this conviction he admits he mishandled classified information," stated U.S. Attorney Sullivan. "The plea in this case, and the plea and sentencing agreement, if accepted by the Court, is a proper and fair result. These charges were brought to redress serious breaches in security and Mr. Mehalba's failure when first interviewed to honestly acknowledge them."

"Protecting U.S. critical infrastructure and sensitive information is a law enforcement priority," stated Immigration and Customs Enforcement (ICE) Special Agent in Charge Avers. "Immigration and Customs Enforcement will continue to work closely with its law enforcement partners to thwart potential threats to our national security."

"The FBI congratulates the inspectors and agents from Customs and Border Protection as well as Immigration and Customs Enforcement for their excellent work in identifying this breach in security," stated FBI Special Agent in Charge Kaiser. "I also personally want to extend my thanks to the many elements from civilian law enforcement and the military services who played such a critical role in investigating and prosecuting this case. This case stands as a testament to the important work that all of us can, and will, do to protect the security of our Nation."

According to the prosecutors at today's plea hearing, as well as the indictment and other documents previously filed with the Court, MEHALBA was stopped by Customs and Border Protection (CBP) inspectors on September 29, 2003, upon his arrival at Logan Airport. MEHALBA had returned to the United States on a flight originating in Cairo, Egypt. The CBP inspectors referred MEHALBA for secondary processing, at which time he stated he had been visiting his father in Egypt and that he was a private contractor for the Army working as a linguist at Guantanamo Bay, Cuba.

When asked, MEHALBA denied he was carrying any business or government-related documents from Guantanamo Bay. The CBP agents found a compact disk carrying case in MEHALBA's luggage containing a number of compact discs, one of which was labeled in black handwriting, "Backup #3 for MO's Profile." When the CBP agents reviewed the contents of the compact disc with a computer, they found classified information labeled "Secret".

Further investigation revealed that the suspect disc contained a file named "xxxLAWenforcementApplicationxxx". That file contained 725 government documents, which totaled approximately 1700 to 2000 printed pages. More than half of these documents, 368, were marked SECRET or SECRET/NOFORN. (The term "NOFORN" indicates that classified information so marked may not be shared with any foreign government). One of these documents was determined to be a true copy of a properly marked FBI document classified "SECRET". Several others were determined to be military documents properly marked and classified as "SECRET." MEHALBA was not authorized to transport any classified document from Guantanamo Bay, nor was the suspect disc marked or transported in a manner consistent with its classification level.

Upon further questioning by FBI Special Agents assigned to the FBI's Joint Terrorism Task Force, MEHALBA denied any knowledge of how classified government documents came to be found on the compact disc, and denied that he understood the meaning of the term "Secret" or had received a security briefing. Documents introduced at a probable cause hearing held on October 15, 2003, showed that MEHALBA had in fact acknowledged receiving numerous security briefings on the handling of classified information.

Moreover, the evidence demonstrated that the classified files on the compact disc seized from MEHALBA had been copied from a classified military computer at Guantanamo Bay. Further, copies of some of those classified documents, along with a copy of MEHALBA's resume, were found in the memory of MEHALBA's personal, unclassified laptop computer, which was seized at Guantanamo Bay after MEHALBA's arrest.

At today's hearing, MEHALBA admitted that he had unauthorized possession or control over documents relating to the national defense, which he willfully retained and failed to deliver to authorized government officials. MEHALBA also admitted to making false statements to law enforcement officials when he denied knowledge as to how the classified information came to be found on the compact disc, and when he denied that he understood the meaning of the term "Secret" despite having received a security briefing.

MEHALBA was arrested on a criminal complaint on September 29, 2003, and has been in federal custody since that time.

In a plea agreement filed with the Court, the parties have agreed that MEHALBA will be able to establish entitlement to a departure from the otherwise applicable sentencing guidelines on the grounds that at the time of the offenses, MEHALBA suffered from significantly reduced mental capacity. The parties have therefore agreed that the appropriate sentence is a total of 20 months' imprisonment. Judge Woodlock deferred formally accepting MEHALBA's guilty plea until the time of sentencing. A sentencing hearing is scheduled for March 9, 2005 at 2:30 p.m.

The case was investigated by the Federal Bureau of Investigation Boston's Joint Terrorism Task Force and its Counter Intelligence Squad, along with Immigration and Customs Enforcement (ICE), Customs and Border Protection, the Department of Defense, the Defense Criminal Investigative Service, the Naval Criminal Investigative Service, and the Defense Cyber Crimes Center. It is being prosecuted by Assistant U.S. Attorneys Michael D. Ricciuti and Gregory T. Moffatt of Sullivan's Anti-Terrorism and National Security Unit with assistance from Department of Justice Attorneys in the Counterespionage Section.

ICE

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